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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,531	11/21/2001	Dennis L. Montgomery	042503/0273332 (ETV-012-U)	3106
909	7590	12/07/2006		EXAMINER
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				LEIVA, FRANK M
			ART UNIT	PAPER NUMBER
				3714

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/991,531	MONTGOMERY, DENNIS L.
	<b>Examiner</b>	<b>Art Unit</b>
	Frank M. Leiva	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Appeal Brief, filed October 12<sup>th</sup>, 2004, with respect to the rejection(s) of claim(s) 1-31 under Fishbine et al. (US 5,781,647), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Solty et al. (US 6,460,848).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Solty et al (US 6,460,848), thereafter known as Solty et al.

4. Regarding claims 1, 2, 4, 7, 10, 15-17, 21-26, and 28, Solty et al teaches monitoring a game of chance, the acquiring of repetitive images, comparing each image to the previous one and detecting change (parsing), producing and output of detection from viewing these images, the use of cards and dealing of cards in his invention, scanning for objects such as chips, where the absence of cards is detected by

comparing each image to the previous one, and continually checking for the presence of objects to stay in there place, the use of a mask, represented by the wagering circles where the bets must be placed, or the cards. (Col 13:15-32).

5. Regarding claim 3, Soltys et al teaches the use of a camera without zoom. (Col 7:54- Col 8:7).

6. Regarding claims 5, 6, 8, 9, and 27 Soltys et al teaches using a specific area of the table, the action of playing, the tracking of dealing. (Col 13:39-50).

7. Regarding claims 11-14 Soltys et al teaches the tracking of a game of roulette, the placing of the marble and the chips on the table. (Col 24:26-36).

8. Regarding claim 18, Soltys et al teaches the other embodiments to include Blackjack and other card games. (Col 24:22-36).

9. Regarding claim 19, Soltys et al teaches the tracking of sequential acts base on the game rules. (Col 23:19-37).

10. Regarding claim 20, Soltys et al teaches the use of reading special markers on the card to avoid cheating. (Col 6:66- Col 7:23).

11. Regarding claims 29 and 30, Soltys et al teaches the analysis of the Chip Tray, in all its forms. (Col 16:50- Col 18:3).

12. Regarding claim 31, Soltys et al teaches the reporting of errors made by the dealer, which could mean triggering an event alarm. (Col 10:66- Col 11:12).

***Citation of prior art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sines et al. (US 6,651,985) teaches an automated table system that tracks the game as played. Lindo (US 6,575,834) teaches the video monitoring of a game of roulette. Franchi (US 5,770,533) discloses tracking of movement of funds and monitoring player game habits throughout a casino.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
12/5/06  
ROBERT P. OLSZEWSKI  
EXAMINER  
TECHNOLOGY CENTER 3700

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML